



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,947	11/19/1999	SHAI MOHABAN	50325-098	7979

29989 7590 08/22/2003

HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125

EXAMINER

EMDADI, KAMRAN

ART UNIT	PAPER NUMBER
----------	--------------

2667

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/443,947

Applicant(s)

MOHABAN ET AL.

Examiner

Kamran Emdadi

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8 and 9. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2, 3, 8, 9, 13, 14, 20 and 21, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term DSCP is not defined in the specification, although the two letter acronym DS (Differentiated Services) refers to a quality of service feature the rest of the term will be ignored when interpreting the claims.
3. Claims 5, 6, 11, 16 and 22, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification recites: "The quality of service treatments recognized by the network device may be IP precedence, DSCP marking of packets in the flow, an **RSVP PATH** message, etc." The term **RSVP PATH** is not properly enabled by the specification in such a way providing one skilled in the art the ability to understand and apply the meaning of the term. It is noted that RSVP is well known in the art of network signaling and packet transmissions; however, the

use of the more specific "RSVP PATH" message must be explained in greater detail, to show the capitalized "PATH" portion as being a distinct feature of RSVP.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
6. Claims 1-17 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Zaumen et al. (US Patent No. 6118760).
- Regarding claims 1, 7, 12 and 17, Zaumen teaches: a network flow of data packets that is examined by the packet header for evaluation against QoS requirements stored in memory 114, where a packet will be forwarded based on the association of data out of the inbound system (Col 5, lines 47-54), with entries

Art Unit: 2667

that can be made to the memory for the priority and QoS (Col 6, lines 38-42) and (Col 10, lines 8-20).

- Regarding claims 2, 3, 8, 9, 13, 14, 20 and 21, Zaumen teaches: a matching process of designating a QoS value for inbound data traffic, and a forwarding process for sending the data after the packet QoS is identified in the memory (Col 5, lines 47-54).
- Regarding claims 5, 6, 11, 16 and 22, Zaumen teaches: RSVP (Col 6, lines 60-63) and (Col 8, lines 60-64).
- Regarding claims 4, 10, 15 and 19, Zaumen teaches: all of the above embodiments and a forwarding memory being contained in a hash table (Col 5, lines 36-39).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zaumen et al. (US Patent No. 6118760) in view of Aukia et al. (US Patent No. 6594268).
- Regarding claim 18, Zaumen teaches: all of the above embodiments except for a plurality of links on the network communicating the process used for QoS and

Art Unit: 2667

data flow communication. Aukia teaches: a QoS and network topology information are collected for each packet flow through one or more routers of the packet network and providing an optimum path for the QoS requirements necessary in the packet flow (Col 4, lines 58-67). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the multiple router configuration of QoS flow management and path designation to allow for data flows internetworked outside of a local packet measuring device shown for Zaumen.

Conclusion

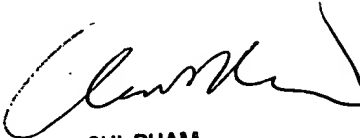
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Hedge (US Patent No. 6570875) Automatic filtering and creation of VLANs.
 - Viswanadham (US Patent No. 6424659) Multi-layer switching apparatus.
 - Venkatachary et al. (US Patent No. 6212184) Layer four switching.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is (703) 305-4899. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached at (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314

Art Unit: 2667

for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kamran Emdadi

08/18/2003


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2660 8/20/03